



Senate

General Assembly

File No. 610

January Session, 2011

Substitute Senate Bill No. 1197

Senate, April 20, 2011

The Committee on Government Administration and Elections reported through SEN. SLOSSBERG of the 14th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT ESTABLISHING A LEGISLATIVE CODE OF CONDUCT AND HOUSE OF REPRESENTATIVES AND SENATE BIPARTISAN COMMITTEES ON ETHICS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2011*) Each member of the
2 General Assembly shall:

3 (1) Be familiar with and abide by the Code of Ethics for Public
4 Officials as set forth in chapter 10 of the general statutes;

5 (2) Provide energetic and diligent representation of his or her
6 constituents and be accessible to all constituents;

7 (3) Fairly characterize the issues confronting the General Assembly
8 and accurately inform the public regarding the conduct of his or her
9 office;

10 (4) Act with due regard for the general welfare of the people of the

11 state in exercising the power of confirmation in accordance with
12 chapter 46 of the general statutes;

13 (5) Be informed and prepared and recognize all sides of an issue;

14 (6) Be informed about, and abide by, the rules that govern the
15 proceedings of the General Assembly, including, but not limited to, the
16 Joint Rules of the Senate and the House of Representatives, rules to
17 regulate the proceedings of the Senate and the rules to regulate the
18 proceedings of the House of Representatives, as applicable;

19 (7) Uphold the Constitution of the state and the Constitution of the
20 United States;

21 (8) Adhere to the spirit and the letter of any provisions of the
22 general statutes, rules or regulations governing official conduct;

23 (9) Conduct himself or herself in the performance of his or her
24 duties in a manner that does not discredit the House of
25 Representatives or the Senate, as applicable;

26 (10) Treat fellow members, staff and the general public with
27 fairness, respect and courtesy, regardless of political or religious
28 beliefs, age, race, ethnicity, sex, sexual orientation or physical
29 disability;

30 (11) Afford to every person who wishes to participate in the
31 legislative process the opportunity to be heard according to established
32 procedures; and

33 (12) Consider at all times whether his or her conduct would create
34 in reasonable minds the perception that his or her ability to carry out
35 legislative responsibilities with integrity and independence is
36 impaired.

37 Sec. 2. (NEW) (*Effective from passage*) (a) Any member of the Senate
38 may submit a complaint, under penalty of false statement, concerning
39 alleged misconduct by a member of the Senate to the president pro

40 tempore of the Senate and the minority leader of the Senate. Not later
41 than seven days after receipt of such a complaint, the president pro
42 tempore shall appoint a bipartisan committee on ethics that shall
43 consist of six members, three of whom shall be appointed with the
44 concurrence of the minority leader of the Senate. The president pro
45 tempore shall appoint two cochairpersons of the committee, one of
46 whom shall be appointed upon the recommendation of the minority
47 leader of the Senate. Said committee shall have cognizance of any
48 official Senate action in response to any such complaint or misconduct
49 by any member of the Senate.

50 (b) Any member of the House of Representatives may submit a
51 complaint, under penalty of false statement, concerning alleged
52 misconduct by a member of the House of Representatives to the
53 speaker of the House of Representatives and the minority leader of the
54 House of Representatives. Not later than seven days after receipt of
55 such a complaint, the speaker of the House of Representatives shall
56 appoint a bipartisan committee on ethics that shall consist of six
57 members, three of whom shall be appointed by the minority leader of
58 the House of Representatives. The speaker of the House of
59 Representatives shall appoint two chairpersons of the committee, one
60 of whom shall be appointed upon the recommendation of the minority
61 leader of the House of Representatives. Said committee shall have
62 cognizance of any official House of Representatives' action in response
63 to any such complaint or misconduct by any member of the House of
64 Representatives.

65 (c) As used in this section, "misconduct" means (1) any conviction or
66 finding by a state agency of a substantial violation of state or federal
67 election laws, or of the state code of ethics, or (2) any legal wrong that
68 materially impairs the ability of the member to perform the duties of
69 his or her office or that substantially undermines public trust and
70 confidence in the Senate or House of Representatives, as applicable.
71 Nothing in this section shall be construed to affect the powers and
72 duties of the Office of State Ethics or the Citizen's Ethics Advisory
73 Board. The provisions of subsections (d) to (i), inclusive, of this section

74 shall set forth the procedures and requirements for any committee
75 established in accordance with subsection (a) or (b) of this section.

76 (d) A quorum, consisting of not less than two members of each
77 caucus, shall be required to conduct any official business of the
78 committee. All committee decisions shall require four affirmative
79 votes.

80 (e) The committee shall conduct a preliminary investigation into any
81 such complaint received pursuant to subsection (a) or (b) of this
82 section. In the event that a complaint concerns alleged misconduct by
83 the president pro tempore of the Senate, the duties of the president pro
84 tempore under this section shall become the duties of the majority
85 leader of the Senate. If such complaint concerns alleged misconduct of
86 the minority leader of the Senate, the duties of the minority leader of
87 the Senate under this section shall become the duties of the minority
88 leader pro tempore of the Senate. If such complaint concerns alleged
89 misconduct by the speaker of the House of Representatives, the duties
90 of the speaker under this section shall become the duties of the
91 majority leader of the House of Representatives. If such complaint
92 concerns alleged misconduct of the minority leader of the House of
93 Representatives, the duties of said minority leader shall become the
94 duties of one of the deputy minority leaders of the House of
95 Representatives.

96 (f) Any such preliminary investigation of a complaint shall be
97 confidential and not subject to disclosure. Upon the conclusion of any
98 preliminary investigation, the committee shall vote to either (1)
99 dismiss the complaint, or (2) make a finding of probable cause that
100 misconduct has occurred. Upon a finding of probable cause by the
101 committee, all information relating to the preliminary investigation
102 shall, to the extent allowed by state and federal law, be made available
103 to the public.

104 (g) The committee shall undertake a full investigation only after a
105 finding of probable cause. All information relating to a full
106 investigation shall, to the extent allowed by state and federal law, be

107 made available to the public. All proceedings relating to a full
108 investigation shall be open to the public. Upon the completion of a full
109 investigation, the committee shall report its findings and
110 recommendation in the form of a resolution to be voted upon by the
111 Senate or House of Representatives, as applicable. Such
112 recommendation shall include one of the following: (1) Expulsion, (2)
113 censure, (3) reprimand, or (4) no action. The full Senate or House of
114 Representatives, as applicable, shall vote on any such resolution not
115 later than ten days after the committee reports out any such resolution.

116 (h) The subject of any such complaint or investigation may be
117 represented by counsel and may appear before the committee on his or
118 her own behalf.

119 (i) The committee shall adopt rules and procedures to govern its
120 proceedings. Such rules shall include, but not be limited to, standards,
121 rules and methodology for conducting such preliminary and full
122 investigation, respectively.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	New section
Sec. 2	<i>from passage</i>	New section

GAE *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 12 \$	FY 13 \$
Legislative Management	GF - Potential Cost	Potential	Potential

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill establishes a six member bipartisan committee on ethics under certain conditions. Costs would vary depending on the scope of official business. At a minimum, the Office of Legislative Management (OLM) would incur costs associated with mileage reimbursement of 51 cents per mile for legislators participating on the committee.

OLM may also incur significant costs associated with legal counsel and additional staff depending on the misconduct complaint and the scope of the committee's investigation.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the scope of official business conducted by the bipartisan committee on ethics.

OLR Bill Analysis**sSB 1197*****AN ACT ESTABLISHING A LEGISLATIVE CODE OF CONDUCT AND HOUSE OF REPRESENTATIVES AND SENATE BIPARTISAN COMMITTEES ON ETHICS.*****SUMMARY:**

This bill establishes a (1) legislative code of conduct and (2) procedure for convening a legislative ethics committee to decide complaints by a General Assembly member alleging misconduct by another member. The procedure is the same in the Senate and House of Representatives. If the committee makes a probable cause finding and proceeds to a full investigation, it must issue a resolution recommending (1) expulsion, (2) censure, (3) reprimand, or (4) no action (see BACKGROUND). The full Senate or House, whichever applies, must vote on the resolution.

Under the bill, “misconduct” means any (1) conviction or finding by a state agency of a substantial violation of state or federal election laws, or of the state Code of Ethics or (2) legal wrong that materially impairs the member’s ability to perform his or her duties or that substantially undermines public trust and confidence in the Senate or House.

The bill specifies that its legislative ethics committee provisions do not affect the powers or duties of the Office of State Ethics or the Citizen’s Ethics Advisory Board to enforce the Ethics Code.

EFFECTIVE DATE: Upon passage, except the provision on the legislative code of conduct is effective October 1, 2011.

LEGISLATIVE CODE OF CONDUCT

The bill establishes a legislative code of conduct. It requires each

member of the General Assembly to:

1. be familiar with and abide by the Code of Ethics for Public Officials;
2. provide energetic and diligent constituent representation and be accessible to all constituents;
3. fairly characterize issues confronting the General Assembly and accurately inform the public about proceedings in his or her office;
4. act with due regard for the general welfare of the public when confirming executive and legislative nominations;
5. be informed, prepared, and recognize all sides of an issue;
6. be informed about, and abide by, the rules that govern the proceedings of the General Assembly, including the Joint Rules, the Senate Rules, and the House Rules;
7. uphold the Connecticut and U.S. Constitutions;
8. adhere to the spirit and the letter of any state laws, rules, or regulations governing official conduct;
9. conduct himself or herself in the performance of his or her duties in a manner that does not discredit the General Assembly;
10. treat fellow members, staff, and the general public with fairness, respect, and courtesy regardless of political or religious beliefs, age, race, ethnicity, sex, sexual orientation, or physical disability;
11. give every person who wants to participate in the legislative process the opportunity to be heard according to established procedures; and
12. consider at all times whether his or her conduct would create in reasonable minds the perception that his or her ability to carry

out legislative responsibilities with integrity and independence is impaired.

LEGISLATIVE ETHICS COMMITTEES

The bill requires the Senate president and Senate minority leader or House speaker and House minority leader, whichever applies, to appoint a bipartisan ethics committee no later than seven days after receiving a member's complaint alleging misconduct by another member. The member who submits the complaint must do so under penalty of false statement, which is punishable by up to one year in prison, a \$2,000 fine, or both. The subject of a complaint or investigation may be represented by counsel or appear before the committee on his or her own behalf.

Committee Composition and Cognizance

The legislative ethics committee consists of six members whom Senate president or House speaker, whichever applies, appoints. Three members must be appointed in concurrence with the corresponding minority leader. The president or speaker must appoint two co-chairpersons from among the six members, one upon the recommendation of the minority leader.

If the complaint alleges misconduct by the Senate president or House speaker, his or her duties with respect to the committee transfer to the corresponding majority leader. Likewise, if the complaint concerns alleged misconduct of either Senate or House minority leader, his or her duties transfer to the Senate minority leader pro tempore or one of the House minority leaders, respectively.

The bill gives the ethics committee cognizance over any official Senate or House action in response to a complaint or misconduct by a member.

Rules Governing Proceedings and Quorum

The committee must adopt rules and procedures governing its proceedings. The rules must include standards and a methodology for conducting a preliminary and full investigation.

The committee must have a quorum of at least two members of each caucus to conduct any official business. All committee decisions require four affirmative votes.

Preliminary Investigation to Determine Probable Cause

After it convenes, the committee must conduct a preliminary investigation. The preliminary investigation is confidential and not subject to disclosure. After the preliminary investigation, the committee must vote to (1) dismiss the complaint or (2) make a probable cause finding. Upon a finding of probable cause, all information relating to the preliminary investigation becomes public, unless state or federal law exempts it from disclosure.

Full Investigation

The committee must initiate a full investigation after a probable cause finding. All information relating to a full investigation is public, unless state or federal law exempts it from disclosure. Similarly, all proceedings must be open to the public.

When the committee completes a full investigation, it must report its findings and recommendation in the form of a resolution to the Senate or House, whichever applies, for a vote. The resolution must contain a recommendation for (1) expulsion, (2) censure, (3) reprimand, or (4) no action. The full Senate or House whichever applies, must vote no later than 10 days after the committee reports out any resolution.

BACKGROUND

Powers of Each House

The Connecticut Constitution gives each house of the General Assembly the power to punish its members for disorderly conduct and requires a two-thirds vote for expulsion (Ct. Const. Art. III, § 13).

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 14 Nay 1 (04/01/2011)